

## **REMARKS/ARGUMENTS**

### **Claim Amendments**

The Applicant has amended no claims. Applicant respectfully submits no new matter has been added. Accordingly, claims 1-16 and 18-31 are pending in the application. Favorable reconsideration of the application is respectfully requested in view of the foregoing amendments and the following remarks.

### **Claim Rejections – 35 U.S.C. § 103 (a)**

Claims 1-5, 12, 14, 16, 18-20, 23, 25-27 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Ernam (US 6097951) in view of Guturu (US 2004/0008643). The Applicant respectfully traverses the rejection of these claims and the Applicant respectfully directs the Examiner's attention to claim 1:

1. (Previously Presented) A communications system comprising
  - a number of core networks with a plurality of core network functional server nodes (core nodes) arranged in a pool and
  - a number of radio access networks, each with a number of radio access network control nodes that support pooling of core nodes;
  - a mobile station (MS) moving from a first radio access network (RAN) control node that does not support pooling of core nodes to a second RAN control node that does support pooling of core nodes, wherein the first RAN control node is served by a first core node belonging to the pool and,
  - means in the first core node for enabling the mobile station to remain connected to said first core node, said means providing a temporary mobile station identity (temporary MS id)((P)-TMSI), including a unique identity of the first core node within the core node pool. (emphasis added)

The Ernam reference is cited for disclosing pooled core nodes and is directed at multiple mobile switching center wireless networks employing a dispatcher switch to distribute attached subscribers among the MSCs of a given network. (Summary) Furthermore, the Applicant respectfully submits that Ernam the disclosed Dispatcher MSC is a special MSC. The Dispatcher MSC is core to Ernam and is not a normal MSC. The Dispatcher MSC (DMSC) is a modified MSC and the table is used to record

assignments of the subscribers to particular MSC/VLRs in the group of MSCs for which the DMSC is responsible. The DMSC uses the stored assignments to "... decide which MSC to route a mobile originated call when one occurs." (col. 6, Lines 7-29)

The Guturu reference is cited for teaching carrier (frequency) selection so that if a call capability does not support the radio configuration for a call the carrier is downgraded. Guturu is directed at pooled carrier frequencies, i.e., "...[C]ode Division Multiple Access (CDMA) service providers maintain a pool of carriers (frequencies)..." and not pooled nodes as in the Ernam reference. Furthermore, the Applicant respectfully disagrees with the argument that a person skilled in the art would be motivated to combine Ernam, GSM art concerned with MSC pooling, and the Guturu reference, which is CDMA art that is directed to pooled carrier frequencies, not pooled core nodes or pooled MSCs. Therefore, the Applicant respectfully asserts that a person skilled in the art would not look to Guturu to modify Ernam.

In the Applicant's present invention a core node within the pool, there is no specified node, any of the nodes maybe used. - The first core node sends a temporary mobile station identity, including a unique ID of the first core node within the pool, to the mobile station when a connect/attach message is sent to the Mobile station. The purpose of the unique first core node ID is so the mobile station can remain connected to the first core node in the pool; i.e., "[T]hus, when the mobile station returns to a control node that is pool enabled, the MS can remain connected to the same core node as it was connected to when it was under control of a non-pool enabled control node." (Paragraph [0026])

Neither the Ernam reference nor the Guturu reference discloses providing a unique id for a first core node to a connected mobile station. The portion of Ernam used to reject this limitation of the Applicant's independent claims discloses the use of a table that maintains the subscribers' VLR id. The Applicant's claim states that the mobile station is attached to the first core node, which is equated by the Detaild Action with the DMSC. However, Ernam uses the DMSC to assign and store the ids attached to the mobile station. Ernam is not connected to the mobile station. Ernam would have to have the node that is connected to the mobile station assign the ids which is not the case

here. The Applicant respectfully asserts that the combination of Ernám and Guturu does not teach all the limitations of claim 1. The Applicant respectfully requests the allowance of claim 1 and analogous claims 16 and 25 which contain similar limitations.

Claims 2-5, 12, 14, 18-20, 23 and 26-27 depend from amended claims 1, 16 and 25 respectively and recite further limitations in combination with the novel elements of claims 1, 16 and 25. Therefore, the allowance of claims 1-5, 12, 14, 16, 18-20, 23, 25-27 is respectfully requested.

Claims 6-11, 13, 15, 21-22, 24, 28-31 stand rejected under 35 U.S.C. 103(a) as being unpatentable over Ernám in view of Guturu, further in view of Maguire (US 2003/0028644). The Applicant respectfully traverses the rejection of these claims.

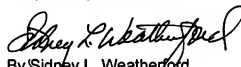
The Maguire reference fails to supply the missing limitations that are lacking in the Ernám and Guturu references. The Applicant respectfully suggests that a prima facie case for unpatentability has not been met. Therefore, the Applicant respectfully requests the withdrawal of claims 6-11, 13, 15, 21-22, 24, 28-31

### CONCLUSION

In view of the foregoing remarks, the Applicant believes all of the claims currently pending in the Application to be in a condition for allowance. The Applicant, therefore, respectfully requests that the Examiner withdraw all rejections and issue a Notice of Allowance for all pending claims.

The Applicant requests a telephonic interview if the Examiner has any questions or requires any additional information that would further or expedite the prosecution of the Application.

Respectfully submitted,



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